

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-CR-235

RYAN BAGLEY, et al.,

Defendants.

**ORDER DESIGNATING CASE AS COMPLEX AND
GRANTING CONTINUANCE UNDER SPEEDY TRIAL ACT**

On December 9, 2014, a grand jury in this district returned a seven count indictment against six defendants. Defendants Ryan Bagley, Nathaniel Elliott, Daniel Francisco, and Matthew Mayer are charged in count one of the indictment with conspiracy to distribute controlled substances involving 100 kilograms or more of a mixture and substance containing marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846 and 18 U.S.C. § 2. Defendants Bagley, Elliott, and Francisco are charged in counts two through four of the indictment with traveling in interstate commerce with the intent to promote and carry on the conspiracy alleged in count one in violation of 18 U.S.C. § 1952(a)(3). Defendants Kenneth Lubecki and Ryan Stenstrup are charged in count five of the indictment with conspiracy to distribute a mixture and substance containing marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846 and 18 U.S.C. § 2. Defendant Stenstrup is charged in count six of the indictment with knowingly and intentionally using a telephone in committing, or in causing and facilitating the commission of possession with intent to deliver marijuana, in violation of 21

U.S.C. § 843(b). Defendant Lubecki is charged in count seven of the indictment with knowingly and intentionally using the United States mail in committing, or in causing and facilitating the commission of possession with intent to deliver marijuana, in violation of 21 U.S.C. § 843(b). On January 29, 2015, the government moved to designate the case as complex. The Court conducted a hearing on this motion on February 11, 2015. The defendants do not oppose the motion.

In support of this motion, the government points to the nature of the investigation and the volume of discovery. Specifically, the government states that the investigation giving rise to the drug trafficking charges against the defendants in this case has been ongoing since 2012 and is related to the investigation and prosecution in *United States v. Patterson, et al.*, 13-CR-193 (E.D. Wis.), which was designated as complex. Further, the discovery produced in the *Patterson* case will also be produced in this case and currently consists of over 4,000 pages of written discovery and an additional 53 discs containing recorded statements, surveillance, and information obtained from eighteen search warrants, among other items. The discovery to date consists of information provided by confidential informants, cooperating defendants, law enforcement officers, cooperating witnesses, and court authorized electronic surveillance. The government also anticipates post arrest statements being provided to the defendants in the next few weeks.

Considering the motion filed by the government and the additional information provided by the parties at the hearing, the Court finds that based on the nature of the investigation and the volume of discovery, it is appropriate to grant this motion. Additionally, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(ii), the Court finds based on the complexity of this case, it is

unreasonable to expect adequate preparation for pretrial proceedings or for the trial within the time limits set by the Speedy Trial Act. The Court finds that under 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by taking this action outweigh the best interest of the public and the defendants in a speedy trial.

NOW, THEREFORE, IT IS ORDERED that the government's request to designate the case as complex (Docket # 23) is hereby **GRANTED**.

FURTHER, IT IS ORDERED that the Court will conduct an in-person scheduling conference for counsel only on **March 11, 2015 at 9 a.m.** The parties should confer and submit a proposed scheduling order for the filing of pretrial motions, including proposed dates for any evidentiary hearings, no later than **March 9, 2015**.

FURTHER, IT IS ORDERED that the time between February 11, 2015 and March 11, 2015, the date set for the scheduling conference, is excluded from the speedy trial deadline of 18 U.S.C. § 3161(c)(1).

Dated at Milwaukee, Wisconsin this 11th day of February, 2015.

BY THE COURT

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge